

FILED '10 AUG 31 14:55 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SUSAN CLESTER,

Civil No. 09-765-ST

Plaintiff,

O R D E R

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MARSH, Judge:

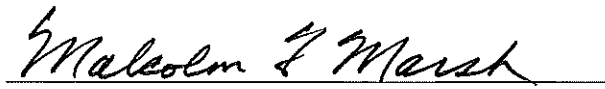
The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on August 3, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-75 (9th Cir. 1996). Having reviewed the legal

principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation dated August 3, 2010, in its entirety.

IT IS HEREBY ORDERED that the Commissioner's decision is REVERSED AND REMANDED pursuant to sentence Four of 42 USC § 405(g) for the immediate calculation and award of benefits.

DATED this 31 day of August, 2010.



MALCOLM F. MARSH
United States District Judge